

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DENNIS FLOERER,

Plaintiff,

v.

DIANE BENFIELD,

Defendant.

NO. CV-05-5039-EFS

**ORDER GRANTING DEFENDANT'S
MOTION FOR JUDGMENT AS A
MATTER OF LAW**

A jury trial involving Plaintiff Dennis Florer's alleged constitutional violations against Defendant Diane Benfield commenced on September 8, 2008, in Richland. After Plaintiff rested on September 10, 2008, Defendant moved under Federal Rule of Civil Procedure 50 for judgment as a matter of law, arguing no reasonable jury could find for Plaintiff on his alleged First and Eighth Amendment violations. This Order serves to memorialize the Court's oral ruling granting Defendant's motion.

Accordingly, **IT IS HEREBY ORDERED:**

1. For the reasons articulated on the record, Defendant's oral motion for judgment as a matter of law is **GRANTED**.

2. Judgment shall be entered in Defendant's favor **with prejudice**.

3. This file shall be closed.

S/ Edward F. Shea
EDWARD F. SHEA
United States District Judge

ORDER * 2